

person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this chapter or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants, in all such cases.

(Pub. L. 92-195, § 8, Dec. 15, 1971, 85 Stat. 650; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CHANGE OF NAME

“United States magistrate judge” and “magistrate judge” substituted for “United States magistrate” and “magistrate”, respectively, in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 1338a. Transportation of captured animals; procedures and prohibitions applicable

In administering this chapter, the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under the direct supervision of the Secretary or of a duly authorized official or employee of the Department. The provisions of section 47(a) of title 18 shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

(Pub. L. 92-195, § 9, as added Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

§ 1339. Limitation of authority

Nothing in this chapter shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

(Pub. L. 92-195, § 10, formerly § 9, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

§ 1340. Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies

After the expiration of thirty calendar months following December 15, 1971, and every twenty-four calendar months thereafter, the Secretaries of the Interior and Agriculture will submit to Congress a joint report on the administration of this chapter, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this chapter and to the maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this chapter. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses

and burros that they may deem necessary in order to carry out the provisions of this chapter.

(Pub. L. 92-195, § 11, formerly § 10, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

CHAPTER 31—MARINE MAMMAL PROTECTION

SUBCHAPTER I—GENERALLY

- Sec.
1361. Congressional findings and declaration of policy.
1362. Definitions.

SUBCHAPTER II—CONSERVATION AND PROTECTION OF MARINE MAMMALS

1371. Moratorium on taking and importing marine mammals and marine mammal products.
 (a) Imposition; exceptions.
 (b) Exemptions for Alaskan natives.
 (c) Taking in defense of self or others.
 1372. Prohibitions.
 (a) Taking.
 (b) Importation of pregnant or nursing mammals; depleted species or stock; inhumane taking.
 (c) Importation of illegally taken mammals.
 (d) Nonapplicability of prohibitions.
 (e) Retroactive effect.
 (f) Commercial taking of whales.
 1373. Regulations on taking of marine mammals.
 (a) Necessity and appropriateness.
 (b) Factors considered in prescribing regulations.
 (c) Allowable restrictions.
 (d) Procedure.
 (e) Periodic review.
 (f) Report to Congress.
 1374. Permits.
 (a) Issuance.
 (b) Requisite provisions.
 (c) Importation for scientific research, public display, or enhancing survival or recovery of species or stock.
 (d) Application procedures; notice; hearing; review.
 (e) Modification, suspension, and revocation.
 (f) Possession of permit by issuee or his agent.
 (g) Fees.
 (h) General permits; extension of general permit to American Tunaboat Association; monitoring of incidental taking of marine mammals.
 1375. Penalties.
 1376. Seizure and forfeiture of cargo.
 (a) Application of consistent provisions.
 (b) Penalties.
 (c) Reward for information leading to conviction.
 1377. Enforcement.
 (a) Utilization of personnel.
 (b) State officers and employees.
 (c) Warrants and other process for enforcement.
 (d) Execution of process; arrest; search; seizure.
 (e) Disposition of seized cargo.
 1378. International program.
 (a) Duties of Secretary.
 (b) Consultations and studies concerning North Pacific fur seals.
 (c) Description of annual results of discussions; proposals for further action.

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| <p>Sec.
1379. Transfer of management authority.</p> <p style="padding-left: 20px;">(a) State enforcement of State laws or regulations prohibited without transfer to State of management authority by Secretary.</p> <p style="padding-left: 20px;">(b) Findings prerequisite to transfer of authority; State program; implementation.</p> <p style="padding-left: 20px;">(c) Standards with which State process must comply.</p> <p style="padding-left: 20px;">(d) Cooperative allocation agreements.</p> <p style="padding-left: 20px;">(e) Revocation of transfer of management authority.</p> <p style="padding-left: 20px;">(f) Transfer of management authority to State of Alaska.</p> <p style="padding-left: 20px;">(g) Environmental impact statement not required.</p> <p style="padding-left: 20px;">(h) Taking of marine mammals as part of official duties.</p> <p style="padding-left: 20px;">(i) Regulations covering taking of marine mammals by Alaskan natives.</p> <p style="padding-left: 20px;">(j) Grants to develop or administer State conservation and management programs.</p> <p style="padding-left: 20px;">(k) Delegation of administration and enforcement to States.</p> <p style="padding-left: 20px;">(l) Authorization of appropriations.</p> <p>1380. Marine mammal research grants.</p> <p style="padding-left: 20px;">(a) Authorization; research concerning yellowfin tuna; annual report.</p> <p style="padding-left: 20px;">(b) Terms and conditions.</p> <p style="padding-left: 20px;">(c) Gulf of Maine ecosystem protection.</p> <p style="padding-left: 20px;">(d) Bering Sea ecosystem protection.</p> <p>1381. Commercial fisheries gear development.</p> <p style="padding-left: 20px;">(a) Research and development program; report to Congress; authorization of appropriations.</p> <p style="padding-left: 20px;">(b) Reduction of level of taking of marine mammals incidental to commercial fishing operations.</p> <p style="padding-left: 20px;">(c) Reduction of level of taking of marine mammals in tuna fishery.</p> <p style="padding-left: 20px;">(d) Research and observation.</p> <p>1382. Regulations and administration.</p> <p style="padding-left: 20px;">(a) Consultation with Federal agencies.</p> <p style="padding-left: 20px;">(b) Cooperation by Federal agencies.</p> <p style="padding-left: 20px;">(c) Contracts, leases and cooperative agreements.</p> <p style="padding-left: 20px;">(d) Annual review; suspension of program.</p> <p style="padding-left: 20px;">(e) Measures to alleviate impacts on strategic stocks.</p> <p>1383. Application to other treaties and conventions.</p> <p style="padding-left: 20px;">(a) Generally; findings; waiver of penalties.</p> <p style="padding-left: 20px;">(b) Review of effectiveness of Agreement on the Conservation of Polar Bears.</p> <p style="padding-left: 20px;">(c) Review of implementation of Agreement on the Conservation of Polar Bears; report.</p> <p style="padding-left: 20px;">(d) Consultation regarding conservation of polar bears in Russia and Alaska; report.</p> <p>1383a. Interim exemption for commercial fisheries.</p> <p style="padding-left: 20px;">(a) Effective and termination dates of preemptive provisions; law governing incidental taking of marine mammals in course of commercial yellowfin tuna fishing.</p> <p style="padding-left: 20px;">(b) Proposed and final list of fisheries taking marine mammals; publication in Federal Register; grant of exemption; conditions; suspension of grant of exemption; administration of exemption provisions; fees.</p> <p style="padding-left: 20px;">(c) Compilation of information by vessel owners; contents.</p> <p style="padding-left: 20px;">(d) Program for enhancement and verification of information received from vessel owners; confidentiality of information.</p> | <p>Sec.</p> <p style="padding-left: 20px;">(e) Observers on board exempted vessels; confidentiality of information; authorization of appropriations.</p> <p style="padding-left: 20px;">(f) Alternative observation program.</p> <p style="padding-left: 20px;">(g) Review of information and evaluation of effects of incidental taking on population stocks of marine mammals; promulgation of emergency regulations to mitigate immediate and significant adverse impacts; action to mitigate non-immediate impacts.</p> <p style="padding-left: 20px;">(h) Information and management system for processing and analyzing reports and information; accessibility to public.</p> <p style="padding-left: 20px;">(i) Utilization of services of State and Federal agencies and private entities.</p> <p style="padding-left: 20px;">(j) Confidentiality of information; exceptions.</p> <p style="padding-left: 20px;">(k) Regulations.</p> <p style="padding-left: 20px;">(l) Suggested regime governing incidental taking of marine mammals following termination of interim exemptions.</p> <p style="padding-left: 20px;">(m) Consultation with Secretary of the Interior.</p> <p style="padding-left: 20px;">(n) Owner of fixed commercial fishing gear deemed owner of vessel engaged in fishery in which gear deployed.</p> <p style="padding-left: 20px;">(o) Definitions.</p> <p>1383b. Status review; conservation plans.</p> <p style="padding-left: 20px;">(a) Determinations by rule; notice and hearing; findings; final rule on status of species or stock involved.</p> <p style="padding-left: 20px;">(b) Conservation plans; preparation and implementation.</p> <p>1384. Authorization of appropriations.</p> <p style="padding-left: 20px;">(a) Department of Commerce.</p> <p style="padding-left: 20px;">(b) Department of the Interior.</p> <p>1385. Dolphin protection.</p> <p style="padding-left: 20px;">(a) Short title.</p> <p style="padding-left: 20px;">(b) Findings.</p> <p style="padding-left: 20px;">(c) Definitions.</p> <p style="padding-left: 20px;">(d) Labeling standard.</p> <p style="padding-left: 20px;">(e) Enforcement.</p> <p style="padding-left: 20px;">(f) Regulations.</p> <p style="padding-left: 20px;">(g) Omitted.</p> <p style="padding-left: 20px;">(h) Negotiations.</p> <p style="padding-left: 20px;">(i) Effective date.</p> <p>1386. Stock assessments.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Public comment.</p> <p style="padding-left: 20px;">(c) Review and revision.</p> <p style="padding-left: 20px;">(d) Regional scientific review groups.</p> <p style="padding-left: 20px;">(e) Effect on section 1371(b) of this title.</p> <p>1387. Taking of marine mammals incidental to commercial fishing operations.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Zero mortality rate goal.</p> <p style="padding-left: 20px;">(c) Registration and authorization.</p> <p style="padding-left: 20px;">(d) Monitoring of incidental takes.</p> <p style="padding-left: 20px;">(e) Reporting requirement.</p> <p style="padding-left: 20px;">(f) Take reduction plans.</p> <p style="padding-left: 20px;">(g) Emergency regulations.</p> <p style="padding-left: 20px;">(h) Penalties.</p> <p style="padding-left: 20px;">(i) Assistance.</p> <p style="padding-left: 20px;">(j) Contributions.</p> <p style="padding-left: 20px;">(k) Consultation with Secretary of the Interior.</p> <p style="padding-left: 20px;">(l) Definitions.</p> <p>1388. Marine mammal cooperative agreements in Alaska.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Grants.</p> <p style="padding-left: 20px;">(c) Effect of jurisdiction.</p> <p style="padding-left: 20px;">(d) Authorization of appropriations.</p> |
|--|---|

- Sec.
1389. Pacific Coast Task Force; Gulf of Maine.
 (a) Pinniped removal authority.
 (b) Application.
 (c) Actions in response to application.
 (d) Considerations.
 (e) Limitation.
 (f) California sea lions and Pacific harbor seals; investigation and report.
 (g) Regionwide pinniped-fishery interaction study.
 (h) Gulf of Maine Task Force.
 (i) Requirements applicable to task forces.
 (j) Gulf of Maine harbor porpoise.

SUBCHAPTER III—MARINE MAMMAL COMMISSION

1401. Establishment.
 (a) Designation.
 (b) Membership and term of office.
 (c) Chairman.
 (d) Compensation; reimbursement for travel expenses.
 (e) Executive Director.
1402. Duties of Commission.
 (a) Reports and recommendations.
 (b) Consultation with Secretary; reports to Secretary before publication.
 (c) Availability of reports for public inspection.
 (d) Recommendations; explanation for nonadoption.
1403. Committee of Scientific Advisors on Marine Mammals.
 (a) Establishment; membership.
 (b) Compensation; reimbursement for travel expenses.
 (c) Consultation with Commission on studies and recommendations; explanation for nonadoption.
1404. Reports.
 1405. Coordination with other Federal agencies.
 1406. Administration.
 1407. Authorization of appropriations.

SUBCHAPTER IV—GLOBAL MORATORIUM TO PROHIBIT CERTAIN TUNA HARVESTING PRACTICES

1411. Findings and policy.
 (a) Findings.
 (b) Policy.
1412. International agreements to establish global moratorium to prohibit certain tuna harvesting practices.
 (a) In general.
 (b) Terms of agreement.
 (c) Compliance by United States with moratorium.
1413. Research programs.
 (a) In general.
 (b) Limitations on dolphin mortality.
 (c) Funding.
 (d) Review of research proposals.
1414. Reviews, reports, and recommendations.
 (a) Reports by Secretary.
 (b) Recommendations of Secretary.
1415. International commitments.
 (a) Limitation on application of ban on imports.
 (b) Subsequent bans on fish and fish product imports for failure to comply with commitments.
 (c) Reviews and reports.
1416. Permits for taking dolphins.
 (a) Additional restrictions under general permit.
 (b) Permits required for taking dolphins for research purposes.
 (c) “Major purse seine tuna fishing country” defined.
1417. Prohibitions.

- Sec.
 (a) In general.
 (b) Penalties.
 (c) Civil forfeitures.
 (d) Dolphin safe tuna.
1418. Authorization of appropriations.
- SUBCHAPTER V—MARINE MAMMAL HEALTH AND STRANDING RESPONSE
1421. Establishment of Program.
 (a) Establishment.
 (b) Purposes.
- 1421a. Determination; data collection and dissemination.
 (a) Determination for release.
 (b) Collection.
 (c) Availability.
- 1421b. Stranding response agreements.
 (a) In general.
 (b) Required provision.
 (c) Review.
- 1421c. Unusual mortality event response.
 (a) Response.
 (b) Contingency plan.
 (c) Onsite coordinators.
- 1421d. Unusual mortality event activity funding.
 (a) Establishment of Fund.
 (b) Uses.
 (c) Deposits into Fund.
 (d) Acceptance of donations.
- 1421e. Liability.
 (a) In general.
 (b) Limitation.
- 1421f. National Marine Mammal Tissue Bank and tissue analysis.
 (a) Tissue Bank.
 (b) Tissue analysis.
 (c) Data base.
 (d) Access.
- 1421g. Authorization of appropriations.
- 1421h. Definitions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1543, 1853, 2407, 2408, 3125 of this title; title 10 section 7524.

SUBCHAPTER I—GENERALLY

§ 1361. Congressional findings and declaration of policy

The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect essential habitats, including the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;